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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/423,014	01/18/2000	LAURENT MARCQ	19210/125/10	6235

7590 05/31/2002

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EXAMINER

GREEN, BRIAN

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 05/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/423,017

Applicant(s)

Examiner

Group Art Unit

3611

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 3/14/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-24 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-24 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

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Drawings

1. The drawings are objected to because figure 1 fails to show how the flexible item is attached to the member 26. The same elements in the figures appear to have the same reference numbers, i.e. in figure 1 the upper part is labeled 26 and in figures 4a and 5 it is labeled with other reference numbers. A proposed drawing correction or corrected drawings are required in reply to the Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “support devices” (plural), the linking devices, the lower hooking devices (plural), the two sets of lower and upper hooking devices defined in claim 1, the two support devices defined in claim 9, the two stretched parts of the base defined in claim 10, and the packaging set of cylindrically shaped container defined in claim 23 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The substitute specification filed March 14, 2002 has not been entered because it does not conform to 37 CFR 1.125(b) because: the applicant failed to include a marked-up copy of the

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substitute specification. Also, the last five lines on page 7 of the substitute specification are unreadable, i.e. the ink is so light and smudged it is unreadable.

4. The abstract of the disclosure is objected to because the heading should be Abstract and not Summary. Also the abstract should be in narrative form and not in claim form. It also contains legal phraseology "said" which is improper. Correction is required. See MPEP § 608.01(b).

5. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

The sections of the specification should be preceded by the appropriate heading, see below.

Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the reference to "Microfiche Appendix" and the drawings, each of the lettered items should appear in upper case, without underlining or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-References to Related Applications.
- © Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Microfiche Appendix" (see 37 CFR 1.96).
- (e) Background of the Invention.
 - 1. Field of the Invention.
 - 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.
- (I) Claim or Claims (commencing on a separate sheet).

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- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing (see 37 CFR 1.821-1.825).

Claim Rejections - 35 USC § 112

6. Claims 1-24 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification and drawings are so confusing it is not clear how the invention is made. In the figures the same elements in the different figures appear to have the same numerals. Further, the applicant labels some of the elements with several numerals, i.e. in figure 1, 35,38. Figure 1 shows the entire invention and some of the figures which follow are supposed to show more details of the invention but the other figures do not appear to correspond to figure 1. The specification and drawings are so confusing that a person having ordinary skill in the art would have no idea what each element looks like or how the elements are assembled to form the display.

Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 1-24 are replete with indefinite errors to numerous to mention specifically. Examples of such errors are as follows: In claim 1, line 6, it is not clear what elements represent the lower linking devices. In claim 1, there is no antecedent basis for "the opposite elevation direction", line 10, "the side direction", line 13. In claim 1, lines 15-19 are confusing since it is not clear whether the lower and upper hooking devices and the ground support devices are the same as the ones mentioned earlier in the claim. In claim 1, line 20 is indefinite since it is not clear which lower and upper hooking devices the applicant is referring to, i.e. the devices defined in line 3 or the devices defined in 15. In claim 1, last three lines are confusing since it is not clear how the flexible structure can have different lengths and attachment locations and the applicant fails to provide the structure necessary to enable the structure to have different lengths and attachment locations.

Applicant's arguments filed March 14, 2002 have been fully considered. However, in view of the fact that the specification including the drawings are so confusing that one having ordinary skill in the art could not make the applicant's invention a new 112 first paragraph rejection has been made. The applicant indicated that a marked-up copy of the specification was included with the applicant's response. However, the marked-up copy has not been received by the office.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on Monday-Friday from 7:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson, can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


BRIAN K. GREEN
PRIMARY EXAMINER

bkg

May 28, 2002